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PATENT

Attorney Docket N° 98-0865 (P1397US00)

ADP
2800 SC
#11
9/12/02

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of : Kim C. Smith
Serial N° : 09/421,580
Filed : October 20, 1999
Group Art Unit : 2173
Examiner : Mylinh T. Tran
For : SIMULATED THREE-DIMENSIONAL NAVIGATIONAL MENU
SYSTEM

Assistant Commissioner for Patents
Washington, DC 20231

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SEP 10 2002

Technology Center 2100

NOTICE OF APPEAL FROM THE PRIMARY EXAMINER
TO THE BOARD OF PATENT APPEALS AND INTERFERENCES
(37 C.F.R. § 1.191)

CERTIFICATE OF MAILING UNDER 37 C.F.R. §1.8

I hereby certify that this correspondence is being deposited with the United States Postal Service on August 28, 2002, in a First Class envelope, with sufficient postage thereon, addressed to: Assistant Commissioner for Patents, United States Patent & Trademark Office, Washington, DC 20231.

ReNea D. Berggren

ReNea D. Berggren

DATED: August 28, 2002

Dear Sir:

Applicant hereby appeals to the Board from the decision of the Primary Examiner mailed July 8, 2002 finally rejecting claims 1-52.

The items checked below are appropriate:

1. STATUS OF APPLICANT

This application is on behalf of:

- ☒ other than a small entity;
☐ small entity.

Verified Statement:

- ☐ attached ☐ already filed on _____

09/09/2002 AMONDAF1 00000042 500439 09421580
01 FC:119 320.00 CH

2. FEE FOR FILING NOTICE OF APPEAL

Pursuant to 37 C.F.R. §1.17(e) the fee for filing the Notice of Appeal is:

- | | | |
|-------------------------------------|---------------------------|----------|
| <input type="checkbox"/> | small entity | \$160.00 |
| <input checked="" type="checkbox"/> | other than a small entity | \$320.00 |

Notice of Appeal fee: \$320.00

3. EXTENSION OF TERM

The proceedings herein are for a patent application and the provisions of 37 C.F.R. §1.136 apply.

Applicant petitions for an extension of time under 37 C.F.R. §1.136 (fees: 37 C.F.R. §1.17(a)-(d)) for the total number of months checked below:

	Extension (months)	Fee for other than <u>small entity</u>	Fee for <u>small entity</u>
<input type="checkbox"/>	one month	\$110.00	\$55.00
<input type="checkbox"/>	two months	\$400.00	\$200.00
<input type="checkbox"/>	three months	\$920.00	\$460.00
<input type="checkbox"/>	four months	\$1,440.00	\$720.00

Extension Fee: \$0.00

If an additional extension of time is required please consider this a petition therefor.

- ☐ An extension for ___ months has already been secured and the fee paid therefor of \$_____ is deducted from the total fee due for the total months of extension now requested.
Extension fee due with this request: \$_____

or

- (b) ☐ Applicant believes that no extension of term is required. However, this conditional petition is being made to provide for the possibility that applicant has inadvertently overlooked the need for a petition and fee for extension of time.

4. TOTAL FEE DUE

The total fee due is

Notice of Appeal fee \$ 320.00.

Extension fee (if any) \$ 0.00.

TOTAL FEE DUE: \$ 320.00

5. **FEE PAYMENT**

Please charge Deposit Account N° 50-0439 the sum of \$320.00. A duplicate of this *Transmittal* is attached for accounting purposes. If any additional extension and/or fee is required, please charge Deposit Account N° 50-0439. If any additional fee for claims is required, please charge Deposit Account N° 50-0439.

Please direct all correspondence to:



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DATE: August 28, 2002.

Respectfully submitted,

Gateway, Inc.,

By Walter J. Malinowski
Walter J. Malinowski
Reg. N° 43,423



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CONTENTS

1. Application
2. Information Disclosure Statement filed 01/20/00
3. Supplemental Information Disclosure Statement filed 09/19/01

Filed Received by Suiter & Associates PC 02/21/02

4. Office Action dated 01/31/02 **DUE 04/30/02**
5. Response to Office Action filed via fax on 04/16/02
6. Final Office Action dated 07/08/02 **DUE 10/08/02**
7. Response to Final Office Action filed 08/28/02
8. Notice of Appeal filed 08/28/02

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